

they do that but get a name and address. After all, would you want some stranger collecting your car?

So, the towing company is right and it's "bottom marks" for that radio station in Symonds Street for getting "towey" and getting it wrong."

[This is reproduced as recorded on the tape provided to the Tribunal by the complainant station.]

"Our Complaint

Rule 2.3: Editorials stating the opinion of the warrant holders on political and religious matters, on industrial disputes and on matters of public controversy are not permitted.

Complaint under 2.3: Radio Hauraki news have clearly expressed an opinion on an industrial dispute and a matter of public controversy which is not permitted under rule 2.3.

Rule 4.2 (a): Listeners should always be able to distinguish clearly and easily between factual reporting on the one hand, and comment, opinion and analysis on the other.

Complaint under 4.2 (a): The Radio Hauraki item was run as part of Radio Hauraki's news bulletin and contravenes rule 4.2 (a) as it does not clearly distinguish between factual reporting, comments, opinion and analysis.

Rule 4.2 (b): News must be presented accurately, objectively and impartially.

Complaint under 4.2 (b): We are of the opinion that this item contravenes 4.2 (b) as it was not presented accurately, objectively and impartially.

Rule 4.2 (e): Great care must be taken in editing of programme material to ensure that the extracts used are a true reflection and not a distortion of the original event or the overall views expressed.

Complaint under 4.2 (e): We are of the opinion that Radio Hauraki's broadcast clearly contravenes this rule as the broadcast is edited in such a way as to give the impression that 89FM were running a prejudiced story and the Radio Hauraki broadcast goes as far as to use the description 'harangued'. The 89FM news stories were run as responsible news items and not as editorials or comments from announcers.

Rule 4.2 (g): It shall be the responsibility of each station to be fair in the allocation of time to interested parties in controversial public issues. In exercising this responsibility a station will take into account the news value of the viewpoints offered and previous allotment of air time.

Complaint under 4.2 (g): At no time did the Radio Hauraki newsroom contact the news team of 89FM or any part of 89FM's station management to ascertain that 89FM knew of the news item prior to Radio Hauraki going to air.

Had Hauraki done this we would have been able to give them a lot of input and facts which would have given some balance to their broadcast.

"Other Matters

"The management of 89FM are concerned that Radio Hauraki, under the guise of a news item, has taken a 'cheap shot' at 89FM's responsible news team. Radio Hauraki has produced a segment within their news which is full of emotive language and clearly designed to denigrate 89FM's news, programme and staff.

"The Radio Hauraki items makes reference to 'bottom marks' which is clearly a reference to 89FM's breakfast hosts 'Top Marks'. This gives the impression that the tow truck story on 89FM emanated from the Top Marks. The 89FM news story was not a commentary of any announcer on 89FM but was a serious news item carefully researched and presented in a responsible manner during news bulletins.

"The investigations by our news team have led (sic) us to believe that the public have a need to be aware of the practices of this particular towing company and the public's legal rights. The Hauraki commentary does, in my view, do a disservice to the public and is a discredit to independent radio news.

"We have noted that the Broadcasting Tribunal in its decision No. 37/88 has made considerable reference to the responsibilities of warrant holders in so far as 'editorial' and 'commenting' and we feel that this item by Radio Hauraki should be viewed by the Tribunal with deep concern.

"Please find enclosed herewith a tape of the said broadcast."

Following receipt of this letter, the Tribunal reminded the complainant radio station that under the statutory complaints procedure, a complainant must first make a complaint to the station concerned, Radio Hauraki. The complainant then did so.

Radio Hauraki's Reply

On 28 October 1988, Radio Hauraki replied to 89FM as follows:

"Your letter of 27 September and the attached complaint have now been considered by the management of Radio Hauraki.

"Radio Hauraki denies any breach of the radio standards and rules in relation to the news item complained of. With particular reference to the rules relied upon by you we advise as follows:

Rule 2.3:

(a) The item published by Radio Hauraki was not an editorial.

(b) The published item did not relate to any political or religious matter, nor did it relate to an industrial dispute or a matter of public controversy (although Radio Hauraki is aware that 89FM was apparently attempting to create a matter of public controversy).

Rule 4.2 (a): Radio Hauraki is unable to understand the allegation of breach of this rule. Radio Hauraki considers that any listener of average intelligence would have had no difficulty in distinguishing between the factual matters, comments, opinion and analysis expressed in the item.

Rule 4.2 (b): With respect to this rule, Radio Hauraki considers that the item was only partially news and the part that constituted news was presented accurately, objectively and impartially.

Rule 4.2 (e): Radio Hauraki denies that this rule is relevant for the following reasons:

(a) There was no edited programme.

(b) There were no extracts used.

(c) There was no distortion of an original event or any expressed overall view.

Rule 4.2 (g): Radio Hauraki does not consider that there was a 'controversial public issue' contained in the published item. Radio Hauraki did not consider that there was any news value in any of the views expressed in respect of the item.

"With regard to the complaint under the heading 'Other Matters' we advise as follows:

(a) No complaint regarding the item was received from any member of the listening public.

(b) The item was published, did not contravene the spirit or letter of sections 24 and 95 of the Broadcasting Act 1976 (under which the broadcasting standards and rules are made).

(c) The item as published was partly news but was mainly intended to be an entertaining story completing the news